



Sen. Emil Jones, III

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09800HB4496sam001

LRB098 19356 RLC 58783 a

1 AMENDMENT TO HOUSE BILL 4496

2 AMENDMENT NO. _____. Amend House Bill 4496 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Juvenile Court Act of 1987 is amended by
5 changing Section 5-745 as follows:

6 (705 ILCS 405/5-745)

7 Sec. 5-745. Court review.

8 (1) The court may require any legal custodian or guardian
9 of the person appointed under this Act, including the
10 Department of Juvenile Justice for youth committed under
11 Section 5-750 of this Act, to report periodically to the court
12 or may cite him or her into court and require him or her, or his
13 or her agency, to make a full and accurate report of his or her
14 or its doings in behalf of the minor, including efforts to
15 secure post-release placement of the youth after release from
16 the Department's facilities. The legal custodian or guardian,

1 within 10 days after the citation, shall make the report,
2 either in writing verified by affidavit or orally under oath in
3 open court, or otherwise as the court directs. Upon the hearing
4 of the report the court may remove the legal custodian or
5 guardian and appoint another in his or her stead or restore the
6 minor to the custody of his or her parents or former guardian
7 or legal custodian.

8 (1.5) The Department of Juvenile Justice shall file a
9 critical incident report with the court within 10 days of the
10 occurrence of a critical incident involving a youth committed
11 to the Department. "Critical incident" means an incident that
12 involves a serious risk to the life, health, or wellbeing of
13 the youth, including, but not limited to, an accident or
14 suicide attempt resulting in serious bodily harm or
15 hospitalization, psychiatric hospitalization, alleged or
16 suspected abuse, or escape or attempted escape from custody.
17 The report shall contain a brief description of the incident, a
18 summary of the actions the Department took as a result of the
19 incident, and relevant information regarding the youth's
20 current physical, mental, and emotional health. Upon receipt of
21 the critical incident report, the court shall review the report
22 and may require the Department to make a full report under
23 subsection (1) of this Section.

24 (2) A guardian or legal custodian appointed by the court
25 under Section 5-740 of this Act shall file updated case plans
26 with the court every 6 months. Every agency which has

1 guardianship of a child shall file a supplemental petition for
2 court review, or review by an administrative body appointed or
3 approved by the court and further order within 18 months of the
4 sentencing order and each 18 months thereafter. The petition
5 shall state facts relative to the child's present condition of
6 physical, mental and emotional health as well as facts relative
7 to his or her present custodial or foster care. The petition
8 shall be set for hearing and the clerk shall mail 10 days
9 notice of the hearing by certified mail, return receipt
10 requested, to the person or agency having the physical custody
11 of the child, the minor and other interested parties unless a
12 written waiver of notice is filed with the petition.

13 If the minor is in the custody of the Illinois Department
14 of Children and Family Services, pursuant to an order entered
15 under this Article, the court shall conduct permanency hearings
16 as set out in subsections (1), (2), and (3) of Section 2-28 of
17 Article II of this Act.

18 Rights of wards of the court under this Act are enforceable
19 against any public agency by complaints for relief by mandamus
20 filed in any proceedings brought under this Act.

21 (3) The minor or any person interested in the minor may
22 apply to the court for a change in custody of the minor and the
23 appointment of a new custodian or guardian of the person or for
24 the restoration of the minor to the custody of his or her
25 parents or former guardian or custodian. In the event that the
26 minor has attained 18 years of age and the guardian or

1 custodian petitions the court for an order terminating his or
2 her guardianship or custody, guardianship or legal custody
3 shall terminate automatically 30 days after the receipt of the
4 petition unless the court orders otherwise. No legal custodian
5 or guardian of the person may be removed without his or her
6 consent until given notice and an opportunity to be heard by
7 the court.

8 (Source: P.A. 96-178, eff. 1-1-10; 97-518, eff. 1-1-12.)".